

From: Geoffrey Feldman
To: Microsoft ATR
Date: 1/27/02 10:02pm
Subject: Microsoft Settlement

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Attorney General John Ashcroft
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Ashcroft:

I have thought from the beginning that the antitrust case against Microsoft is wholly and completely wrong. There never should have been a trial in the first place. Antitrust laws are outdated in a global market. The consumer is not protected by legislation that punishes success. Microsoft's opponents claim that Microsoft holds a monopoly on the technology market. I submit that such a monopoly is impossible. Computer technology is based on innovation, and innovation is driven by ideas. Ideas cannot be monopolized.

Microsoft's supply of ideas comes from its programmers, and its programmers are by no stretch of the imagination bound to Microsoft for eternity. They are free to leave to work for other companies or to start software businesses of their own, and often do so. This hardly denotes monopolization of creativity. When Microsoft succeeds in the computer industry, it does so because it is competent, not because of some sinister conspiracy to barricade other companies' progression. Furthermore, Microsoft relies on other companies to manufacture its hardware. This is also not indicative of monopoly. Microsoft may enter into exclusive contracts (although such will no longer be permitted under the settlement), but this represents an agreement reached between two responsible parties, and what they do is their own business, as far as I am concerned. Indeed, there is nothing private or secret about Microsoft's software. The settlement requires open sourcing, but that does not mean that Microsoft code was entirely inaccessible before. Any determined developer or programmer, given the time and the drive, could have figured out what Microsoft was doing long before now. Microsoft is not an icon of oppression; rather the corporation stands for freedom.

Apple is, in contrast, more monopolistic, although less successful than Microsoft. Apple has control over manufacture of hardware as well as software, and has no intention of opening up the market. It has ceased to

innovate because it hasn't had the need to do so. Apple works with Apple alone; it has neither diversified nor made outside contracts, and yet it is not nearly as successful as Microsoft is. Even quasi-monopolistic practices are bad business. Monopoly does not mean success, nor is the inverse the case. IBM was once dominant in the market, much as Microsoft is today, and they lost a great deal of consumer support when Microsoft began putting out their product. IBM may regroup and begin to compete head-to-head with Microsoft again in the future, and I would gladly welcome such an attempt. Tough competition breeds better products and a greater degree of innovation.

The consumer benefits from competition between companies of similar strength, and I say more power to anyone who wants to come up against Microsoft.

I am appalled at the claims that have been made in order to bring Microsoft to trial. They are clearly unfounded and irrational. I believe in a kind of business Darwinism: the stronger the product, the better chance there is of survival. I do not think it is wise to protect businesses from the harsh realities of tough competition. It does not benefit the consumer to have weak companies thrust into the market and given advantages they have not earned. This case has gone on long enough, and the greatest harm it has done is to the technology industry and the economy. Computer makers and users are scared to make a move until this case gets resolved, and it is crippling production and sales. Moreover, the case has had a tremendous financial drain on the economy. You can track the litigation across the years by looking at the NASDAQ. The longer the suit lasts, the lower the numbers get. This is not rocket science, Sir. I do not believe Microsoft is guilty of anything more than success in a fast-paced industry. I agree that Microsoft is tough, and provides a higher challenge for its competitors to meet. I would rather see the challenge met and a stronger company to emerge than Microsoft's creativity stultified and the incompetent companies given the chance to invade the market. Again, I am outraged that the case was ever brought in the first place, but I prefer settlement and a return to business than painfully redundant litigation. I urge you to support the settlement and allow Microsoft to get back to business. At this time, the justice department pursuit of Microsoft is causing me hardship through its disruption of the computer industry. This will only be relieved by the justice department concluding this matter in the most expeditious way and one most favorable to Microsoft.

Sincerely,

Geoffrey Feldman

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